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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,433	12/04/2003	Anatoly S. Belkin	CE10865R	6826
22917	7590	04/16/2008		
MOTOROLA, INC. 1303 EAST ALGONQUIN ROAD IL011/3RD SCHAUMBURG, IL 60196				
EXAMINER				
KAMPURIA, SHARAD K				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
04/16/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Docketing.Schaumburg@motorola.com

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Office Action Summary

Application No.

10/727,433

Applicant(s)

BELKIN ET AL.

Examiner

Sharad Rampuria

Art Unit

2617

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 January 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

I. The current office-action is in response to the remarks filed on 01/28/2008.

Accordingly, Claims 3-10 and 13-27 are cancelled and Claims 1-2 and 11-12 are pending for further examination as follows:

Claim Rejections - 35 USC § 103

II. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-2, 11-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Jagadeesan et al.** [US 7003298] in view of **Foster, Eugene William et al.** [US 20030003915 A1].

As per claim 1, Jagadeesan teaches:

A wireless communication unit (100; Fig.1) arranged and constructed for operation within a loosely coupled communication network comprising a first communication network and a second communication network, the wireless communication unit (Abstract, Col.1; 60-Col.2; 2) comprising:

A transceiver configured to support an air interface with the first communication network and with the second communication network; (Col.2; 55-58) and

Jagadeesan fails to teach, a controller arranged to control and cooperatively operate with the transceiver to manage and retrieve an on-hold call from the first communication network after a handout of the wireless communication unit from the first communication network to the second communication network via a call leg established to support the on-hold call to and while the wireless communication unit is operating in the second communication network. However, **Foster** teaches in an analogous art, that a controller arranged to control and cooperatively operate with the transceiver to manage and retrieve an on-hold call (e.g. to retrieve an held call; ¶ 0031-0032) from the first communication network after a handout (e.g. handout; ¶ 0031-0032) of the wireless communication unit from the first communication network to the second communication network via a call leg established to support the on-hold call to and while the wireless communication unit is operating in the second communication network. (e.g. to retrieve

Art Unit: 2617

an held call; ¶ 0031-0032). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Jagadeesan** including a controller arranged to control and cooperatively operate with the transceiver to manage and retrieve an on-hold call from the first communication network after a handout of the wireless communication unit from the first communication network to the second communication network via a call leg established to support the on-hold call to and while the wireless communication unit is operating in the second communication network in order to provide a method for comparatively seamless and imperceptible hand-offs.

As per claim 2, **Jagadeesan** teaches all the particulars of the claim except wherein the controller cooperatively with the transceiver is operable to one of disconnect and place on-hold an active call over the call leg and then connect the on-hold call, where the on-hold call is coupled from the first communication network to the wireless communication unit via the second communication network over the call leg. However, **Foster** teaches in an analogous art, that the wireless communication unit of claim 1 wherein the controller cooperatively with the transceiver is operable to one of disconnect and place on-hold an active call over the call leg and then connect the on-hold call, where the on-hold call is coupled from the first communication network to the wireless communication unit via the second communication network over the call leg. (e.g. to retrieve an held call; ¶ 0031-0032)

As per claim 11, Jagadeesan teaches:

A communication network switch (300; Fig.3, Col.4; 61-63) operable to route calls for a first communication network, the communication network switch (Abstract) comprising:

A switching function operable to couple the first communication network to a second communication network, where the first communication network and the second communication network comprise a loosely coupled communication network; (Col.4; 19-50) and

Jagadeesan fails to teach, a controller arranged to control and cooperatively operate with the transceiver to manage and retrieve an on-hold call from the first communication network after a handout of the wireless communication unit from the first communication network to the second communication network via a call leg established to support the on-hold call to and while the wireless communication unit is operating in the second communication network. However, **Foster** teaches in an analogous art, that a controller arranged to control and cooperatively operate with the transceiver to manage and retrieve an on-hold call from the first communication network after a handout of the wireless communication unit from the first communication network to the second communication network via a call leg established to support the on-hold call to and while the wireless communication unit is operating in the second communication network. (e.g. to retrieve an held call; ¶ 0031-0032).

As per claim 12, **Jagadeesan** teaches all the particulars of the claim except wherein the controller cooperatively with the transceiver is operable to one of disconnect and place on-hold an active call over the call leg and then connect the on-hold call, where the on-hold call is coupled from the first communication network to the wireless communication unit via the second communication network over the call leg. However, **Foster** teaches in an analogous art, that the

Art Unit: 2617

wireless communication unit of claim 11 wherein the controller cooperatively with the transceiver is operable to one of disconnect and place on-hold an active call over the call leg and then connect the on-hold call, where the on-hold call is coupled from the first communication network to the wireless communication unit via the second communication network over the call leg. (e.g. to retrieve an held call; ¶ 0031-0032).

Response to Amendments & Arguments

III. Applicant's arguments with respect to claims 1-2, 11-12 has been fully considered but is moot in view of the new ground(s) of rejection.

Conclusion

IV. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

EBC@uspto.gov.

/Sharad Rampuria/
Primary Examiner
Art Unit 2617